IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KYRA MOORE, ON BEHALF OF : HERSELF AND OTHERS SIMILARLY :

SITUATED,

.

Plaintiffs, : CIVIL ACTION NO: 13-CV-1515

:

v.

:

RITE AID HDQTRS. CORP. d/b/a RITE

AID CORPORATION,

: CLASS ACTION

Defendant.

DEFENDANT RITE AID HDQTRS. CORP.'S MOTION TO DISMISS UNDER FED. R. CIV. P. 12(B)(1) OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Pursuant to Rules 12(b)(1) and 56 of the Federal Rules of Civil Procedure, Defendant Rite Aid Hdqtrs. Corp. ("Rite Aid"), by its undersigned counsel, respectfully moves to dismiss or alternatively for summary judgment. In support thereof, Rite Aid submits the accompanying memorandum and incorporates by reference Rite Aid's memorandum and exhibits submitted in opposition to Plaintiff's Motion for Class Certification (ECF No. 57), which was filed on September 9, 2016.

Dated: December 6, 2016 **DUANE MORRIS LLP**

/s/ Dana B. Klinges

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